

The Sudanese Role in Negotiating and Reaching a New Nile Waters Agreement, 1949-1959

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Abstract

This paper considers the issue of the Nile waters between Egypt and the Sudan during the period 1949-1959 until a Nile Waters Agreement was signed in November 1959. The paper concentrates on the Sudanese stand and the hot debates on the issue as they are not dealt with in the available sources. This Sudanese stand and their adamancy were the main reason for the abortive negotiations conducted during this period. Not surprisingly that the 1959 Agreement was signed only when the democratic regime was toppled by military men.²

Introduction

The period 1949-1959 witnessed abortive Sudanese-Egyptian negotiations over the division of the all-important Nile waters. The issue was complicated until independence in 1956 by the Sudan's status as a "condominium" under joint British and Egyptian control. But Sudanese had criticized the governing 1929 Nile Waters Agreement for many years, and soon after the inauguration of the Sudan's first Legislative Assembly in December 1948 they were in a position formally to express their views. Opposition to the 1929 Anglo-Egyptian Agreement continued through the Assembly's life and during that of its successor, the Sudanese parliament, before independence in 1956 and until a new Agreement was finally signed in November 1959.

During the period of self-government before independence, and under the first post-independence parliamentary regime, the Sudanese accepted the historic rights of Egypt as embodied in the 1929 Agreement, but expected Egypt to bear responsibility for evaporation losses from the lake to be formed by the Aswan High Dam Project and for compensating the Sudan for the Nubian lands that would be inundated. A breakthrough came only when the Sudanese government was toppled by a military coup in

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November 1958. After less than a month of negotiation the new regime acceded to a new Nile Waters Agreement.

Because of the Sudan's unique colonial status, the division of Nile waters has often been depicted as mainly or even solely an issue in Anglo-Egyptian relations. The role of Sudanese, whose acquiescence, at least, was an object of both British and Egyptian diplomacy during an era of intense competition, has been overlooked. There is, however, extensive documentary evidence, both published and unpublished, and in both British and Sudanese private papers, of the complex nature and surprising extent of that role. And when considered in their full international context – which includes political developments in the Sudan, Britain and Egypt and, because of the financing of the High Dam involved also the United States and the World Bank – issues once thought parochially Sudanese now might be seen to have reverberated on the world stage.

The 1929 Nile Waters Agreement

The 1929 Anglo-Egyptian Nile Waters Agreement was the constant reference point for intramural Sudanese discussions in the period 1949-1959. Since 1929 the development of irrigation in the Sudan has been controlled by this Agreement, to which the Sudan was not a party.¹ It limited the amount of water the Sudan was allowed to use during the annual low season between January 1st and July 15th. Any amendment of that limit was subject to the agreement of Egypt. The development policies of the colonial regime in the Sudan (and those of British dependencies throughout the Nile Basin) were therefore subject to Egyptian veto. In 1929 the primacy of British interests – and influence – in Egypt itself rendered this burden acceptable in London. Inchoate Sudanese nationalism was as yet too weak to make strong protest, and in any case was strongly influenced by a sense of common cause with Egypt.²

In this as in many areas, London's position subordinated the Sudan's interests, even over the protests of British officials in Khartoum, to Egypt's. One of many examples of early British recognition of alternatives to Egyptian primacy would assume relevance later, when

¹ *Exchange of Notes Between His Majesty's Government In The United Kingdom And The Egyptian Government in regard to the Use of the Waters of the River Nile for Irrigation Purposes*, Cairo, 7 May, 1929, Treaty Series No. 17 (1929) Cmd. 3348.

² *Exchange of Notes*, 6.

Sudanese nationalists took up the issue. This was a proposal, incorporated in the report of the 1920 Nile Projects Commission, for allocating Nile waters that remained un-appropriated.¹ This accepted the vested rights of Egypt and the Sudan to irrigate 5,400,000 and 400,000 feddans consuming 40 and 1.5 milliards cubic meters respectively, and recommended that excess water over and above such vested rights should be divided between Egypt and the Sudan according to the prospective cultivable lands in each country.² Given the Sudan's tens of millions of irrigable land, and Egypt's already stretched agricultural capacity, the implications of the proposal were clear enough. Though not adopted, the so-called Cory Award (named after the American member of the Commission) was taken up decades later by Sudanese negotiators as an option for dividing the Nile waters between Egypt and the Sudan.

The Legislative Assembly: December 1948-May 1952

Sudanese opportunity to express strong opposition to the 1929 Agreement arose only with the advent of the Legislative Assembly in December 1948. Elections to this Assembly were boycotted by the pro-Egyptian Unionist parties, who had refrained from participating in any self-government institutions established by the British. Membership was therefore confined to the Independence Front led by the Umma Party (the political party led by descendants of the Mahdi), to tribal chiefs, Southerners, and others nominated by the British Governor-General of the Sudan. The Ordinance establishing the Assembly provided also for an Executive Council to replace the Governor-General's Council, which since 1910 had served as a cabinet. Half of the members of the new Executive Council were Sudanese, and half British. The Sudanese members whose positions related to the Nile waters issue were the Minister of Agriculture, Abdalla Khalil, and the Under-Secretary for Irrigation, Abdel Rahman Abdun.

Shortly after inauguration of the Legislative Assembly, Ahmed Yousif Hashim asked (in the session of 13 January 1949) if the Sudan Government had taken steps to revise the 1929 Nile Waters Agreement.³ Ahmed Yousif Hashim was the Secretary of the Independence Front. He and the President of the Front, Abdalla Khalil, the Minister of

¹ *Ibid.* 8-10.

² John Waterbury, *Hydropolitics of the Nile Valley*, Syracuse University Press, N.Y., 1979, 66.

³ First Legislative Assembly of the Sudan, Daily Digests, 16 Jan. 1949, 30.

Agriculture, had already gone on record in a pamphlet on Nile Waters Distribution. They criticized the 1929 Agreement for limiting the Sudan's share to 300,000 *feddans* (1 *feddan* = 1.038 acres), and the fact that the Sudan was not permitted to draw a drop of water, except for domestic purposes, between 1 April and 21 July.¹ The pamphlet demanded an international commission to arbitrate the issue of the Nile waters between Egypt and the Sudan. In the Assembly the Under Secretary for Irrigation avoided the issue of revision but said that the Executive Council would soon take up the Sudan's needs for additional water.² When Mohammed Hag Al-Amin made a further enquiry in March 1950 the government disclosed that of the 1061 million cubic meters allowed the Sudan, almost all was being used.³

The British administration encouraged Sudanese discussion of the Nile waters issue, which was perhaps the clearest example of divergence of interests between the two riparian entities and promised continued Sudanese support of the British policy of minimizing Egyptian influence.⁴ At its 7th meeting, held on 17th March, 1949, the Executive Council appointed a sub-committee under the chairmanship of the (British) Financial Secretary to consider whether in negotiations with the Egyptian Government the Sudan Government should commit itself to a definite figure for the Sudan's ultimate requirements of water from the Nile for irrigation.⁵ The Financial Secretary stated that "The next step in this complex and delicate matter is to endeavor to secure the Egyptian Government's agreement in principle, to a review and extension of the Nile Waters Agreement".⁶ The committee agreed that the Sudan's case in a discussion with Egypt on the use of the water made available by the various Nile projects must be framed in terms of a definite quantity of water as a basis for negotiation.⁷ In the talks that followed between the

¹ Terje Tvedt, *The River Nile in the Age of the British, Political Ecology and the Quest for Economic Power* (London 2004), 280.

² *Ibid.*

³ First Legislative Assembly of the Sudan, Daily Digests, 14 March 1950, 38.

⁴ See Fadwa Abd al-Rahman Ali Taha, *The Anglo-Egyptian Dispute over the Sudan*, (Khartoum, 2006).

⁵ Financial Secretary, Sudan Government to the Secretary of the Executive Council, 13. April 1949, 821/1/35 Sudan Archive Durham. Members of this sub committee were Ibrahim Ahmed, Councillor Without Portfolio; Abdel Rahman Abdun, Under Secretary for Irrigation; W.N. Allan, Irrigation Consultant; and J. Smith, Director of Agriculture & Forests.

⁶ *Ibid.*

⁷ *Ibid.*

Irrigation Department and the Egyptian Ministry of Public Works¹ an agreement was reached with the Egyptian Minister to start technical discussions on the following basis:

- 1- Egypt would consent to raising the height of the Sennar Dam on the Blue Nile by one meter in October 1951, provided that this would not affect the waters used by Egypt at present.
- 2- The Sudan Government would render all facilities needed for the Egyptian Government to build a reservoir at the Fourth Cataract (near Merowe in the Sudan's Northern Province).
- 3- Investigation of the Sudan's need for additional waters would be undertaken.

The Legislative Assembly was reminded that any agreement on this issue by technical experts would not be implemented until agreement between the Egyptian Government and the Sudan Government was signed.² Some members, unaware of - or chafing at - the limits of the Assembly's power, suggested their own participation in the discussions with Egypt.³

In his address to the Legislative Assembly in April 1951 the Governor General of the Sudan said that the Executive Council was concerned about the urgent need to increase the supply of water for irrigation.⁴ He did not mention any prospect of revising the 1929 Nile Waters Agreement, but he did bring up the idea of raising the height of the Sennar dam to meet the present shortage of water by October 1951.⁵ Given the state of Anglo-Egyptian relations at the time, the Governor-General could hardly say more. While debate went on in the Assembly about the 1929 Nile Waters Agreement, mounting tension between the condomini also marked the year 1951. Adding to the ferment, the United States was pressing Britain to make concessions to Egypt in the Sudan to facilitate formation of a Middle East Command to combat the influence of the USSR. Egypt's Wafd-party Government had already declared its intention to abrogate the 1899 Condominium Agreement and the 1936

¹ First Legislative Assembly of the Sudan, Daily Digests, 5 Dec. 1950. These discussions involved the Under Secretary for Irrigation; Allen the advisor on irrigation issues; and the Egyptian Minister of Public Works.

² *Ibid.* 10

³ First Legislative Assembly of the Sudan, Daily Digests, 17 March 1950.

⁴ First Legislative Assembly of the Sudan, Weekly Digest, 4 April-10 April 1951, 4.

⁵ *Ibid.*

Anglo-Egyptian Treaty, and when this was done in November 1951 decrees were issued declaring Egyptian sovereignty over the Sudan.

The frequency of questions in the Assembly led the Under Secretary for Irrigation to deliver a statement in May 1951, on behalf of the Executive Council, about the 1929 Nile Waters Agreement.¹ Reminding the Assembly that the Agreement had been based on the conditions prevailing at the time it was signed, he made it clear that the Sudan was in need of more water than was provided by the Agreement. The Egyptian Government recognized this; the question was where to get the water. He told the Assembly in detail about suggested projects: a dam on the Nile at the Fourth Cataract near Merowe; Upper Nile projects consisting of dams at lakes Victoria and Albert; the Jonglei Canal in the Southern Sudan, to avoid water evaporation in the vast *sudd* region; and a dam at Lake Tana, the source of the Blue Nile, a project that had encountered difficulties with the Ethiopian government. He also mentioned raising the height of the Sennar dam, in two stages, to increase the Sudan's share by 10 percent during the low season of the Nile.²

This statement failed to satisfy some members of the Assembly. Questions were once more raised about the steps taken by the Executive Council to revise the Nile Waters Agreement, the date of its expiration, and the reasons for the Sudan's low share.³ Members were acutely aware of the limits the Agreement imposed on agricultural expansion. They moved "that consideration ... be given to the issue of special flood licenses to allow pumping between 16th July and 31st December only for the growing of American cotton on the Blue and White Niles and their tributaries". The people could not understand the problem: "they see the two Niles flowing past their lands only to benefit others while they are prevented from making use of it."⁴ The 1929 Agreement was "the worst agreement ever imposed on the country and the Hon. Members had frequently asked the Government to repeal it".⁵

While these questions indicate the Legislative Assembly's keen interest in the Nile waters issue, action was limited because the Assembly was not representative of all political parties and the waters issue was inseparable from the larger Sudan issue in Anglo-Egyptian negotiations.

¹ First Legislative Assembly of the Sudan, Daily Digest, 17 May 1951.

² First Legislative Assembly of the Sudan, Daily Digests, 17 May 1951, 345-349.

³ *Ibid.*, 351-352.

⁴ First Legislative Assembly of the Sudan, Daily Digests, 12 Feb. 1952, 873-874.

⁵ *Ibid.*, 875.

Nevertheless the Nile waters debates kept the issue alive, and many of the Assembly's members were elected to the Sudanese Parliament.

New Political Developments

On 23 July 1952 a military coup overthrew the Egyptian government and put an end to the monarchy. Before resuming negotiations with Britain over the Sudan, the revolutionary leaders of Egypt approached both the Sudanese Independence Front and Unionist parties. Showing an unprecedented flexibility they won the support of the Independence Front led by the *Umma* Party, which had always rejected Egyptian claims, by conceding rights of self-government and self-determination; in a historic agreement signed in 29 October 1952, sovereignty was reserved for the decision of the Sudanese people. The Egyptians likewise negotiated with the Unionists and managed on 1 November to unite them in a single National Unionist Party (NUP). By abandoning old tactics the Egyptians had won sufficient confidence among the Sudanese to serve their cause in the vital issue of the Nile waters.¹ And by winning the agreement of all Sudanese parties the Egyptians had isolated the British.

Anglo-Egyptian negotiations beginning in November 1952 resulted in the Agreement for Self-Government and Self-Determination for the Sudan on 12 February 1953. The Agreement recognized the Sudanese right of self-government and self-determination; parliamentary elections were to be held under supervision of an international commission; "sudanization" of administrative posts would take place; and a transitional period following formation of a Sudanese government was not to exceed three years. At the end of the transitional period, the Sudanese would determine their future by choosing one of two options: complete independence or unity with Egypt in one form or another.

Parliamentary elections were held in November and December 1953, resulting in victory for the NUP. By preferring "unionists" to the pro-Independence parties, however, the Sudanese had in fact rejected the dominance of the Mahdist faction in the independence bloc rather than separation from Egypt, and as events were to show, the "unionist" ideal itself could be merely symbolic. In any case, the NUP formed a government, and the *Umma* party remained in opposition. Most opposition members in the new Parliament had been members of the

¹ For details about political developments see M.W. Daly, *Imperial Sudan The Anglo-Egyptian Condominium, 1934-1956*, (Cambridge 1991).

Legislative Assembly. They now easily continued debates on the Nile waters to the new Parliament, where it became a lively issue during the transitional period.

The transitional period witnessed a marked shift of the NUP, now in power, towards the option of complete independence. This shift disappointed Egypt, but its slogan of “Unity of the Nile Valley” - not “Unity of Egypt and the Sudan” – had after all premised the Nile as the bond uniting the two regions, not one people.¹ This shift was not without casualties. Disagreement over the nature of future relations with Egypt led to the dismissal of three ministers, including the leading pro-Egyptian politician (and minister of irrigation), Mirghani Hamza. Isma’il al-Azhari, the NUP Prime Minister, revealed on 14 December 1955 his intention to support a parliamentary declaration of independence. A motion tabled on the 19th was passed unanimously. The Sudanese celebrated their independence in 1 January 1956.

Abortive Negotiations, January 1954-January 1956

The first Sudanese Government, formed in January 1954, confronted the Nile waters issue long before the exercise of self-determination, and its experience in negotiation may have influenced that decision. Even confirmed Unionists considered the 1929 Agreement unjust because it limited the development of irrigation in the Sudan.² The Sudanese were further provoked in February 1954 by statements in the Egyptian press by Salah Salem, the Egyptian Minister for Sudanese Affairs, to the effect that the present Sudanese quota of Nile waters had not been exhausted. Abdel Rahman Abdun, the former Under Secretary for Irrigation, publicly denounced Salem for trying to mislead the Sudanese.³

It was evident that the new Sudanese government wanted to take the Nile Waters issue in hand. In this they encountered constitutional obstacles: some British officials in the Sudan pointed out that the Sudan was not even a party to the 1929 Nile Waters Agreement, and that the Sudanese

¹ Gabriel R. Warburg, “The Search for the Sources of the White Nile and Egyptian-Sudanese Relations”, *Middle Eastern Studies*, 43, 3, May 2007, 476, citing Milad Hana in *Al-Hayat*, 19 Feb. 1997.

² Ministry of Irrigation and Hydro-Electric Power, *The Nile Waters Question: The Case for the Sudan, the Case for Egypt and The Sudan’s Reply*, Khartoum, December 1955.

³ United Kingdom Trade Commissioner, Khartoum, to African Department, Foreign Office, 6 Feb 1954, Public Record Office Foreign Office 371/108514.

Government's writ did not extend to foreign affairs¹. This was the view of P.G.D. Adams, the United Kingdom Trade Commissioner in the Sudan, whose official title belied his political role, but not of Sir Robert Howe, the governor-general, or of his political adviser, William Luce, who agreed that friendly relations with the NUP Government would serve the cause of complete independence for the Sudan. Adams gradually came to share their view. In December 1955 he told the Foreign Office that British financing of the High Dam at Aswan could "only serve to make the Sudanese more obdurate and more critical of Her Majesty's Government in the business."² By the time Adams made that remark, the Sudanese parliament had already voted for independence.

The 1954 Negotiations

In April 1954 a meeting was held in Khartoum between Mirghani Hamza, the Minister of Irrigation and Agriculture, and Mohammed Amin, the Egyptian Under-Secretary for Public Works. They discussed in a preliminary manner the modifications of the 1929 Nile Waters Agreement that the Sudan's increasing need for water and construction of the Roseires Dam would necessitate. H.A.W. Morrice, the Irrigation Consultant to the Sudan Government, accordingly drafted a letter to the Egyptian Government; despite the NUP's suspicion of British officials, Morrice was treated as a non-political expert whose advice could be trusted.

Morrice's letter stated that the Sudan Government wished to proceed with the Managil extension to the Gezira Scheme and to extend private pump irrigation: to make the necessary water available it proposed to construct the Roseires Dam on the Blue Nile. In order to carry out these plans the 1929 Agreement would have to be modified by lifting the restriction on the maximum discharge of the main Gezira canal, which was limited to 168 cubic meters per second. The letter proposed that technical experts should meet at an early date.³

¹ United Kingdom Trade Commissioner, Khartoum, to African Department, Foreign Office, 9 April 1954, PRO FO 371/108513.

² Quoted in Tvedt, *The River Nile in the Age of the British*, 290.

³ United Kingdom Trade Commissioner, Khartoum, to African Department, Foreign Office 9 April 1954, PRO FO 371/108514.

Negotiations began in September 1954, but with Sudanese misgivings. Although the general idea of the High Dam at Aswan had first been put forward at the end of 1952, Egypt did not supply technical particulars to the Sudan Government until September 1954, despite repeated requests. At the very least, Sudanese felt insulted that Egypt had not thought it necessary to discuss details with the government of the country whose territory she proposed to flood.¹

The Sudan Government offered to agree to construction of the High Dam on three conditions:

- 1- The Sudan's ultimate share in the natural flow of the Nile as measured at Aswan must be determined before work began on the High Dam.
- 2- The Sudan would then have the right to build on the Nile or on any of its tributaries such dams or other control works necessary for the effective use of its share in the natural flow of the Nile.
- 3- The population of the town and district of Wadi Halfa must be provided with an adequate alternative livelihood in some other part of the Sudan before the water level at Halfa was raised above its present maximum. Egypt would bear the entire cost of providing this alternative livelihood and of transferring the population.²

The negotiators agreed that the average total annual flow of the natural river at Aswan could safely be taken as 84 milliards of cubic meters; and that the present established right of Egypt was 48 milliards of cubic meters, and of the Sudan 4 milliards, as measured at Aswan.³

Although the Sudan's delegates upheld the priority of "established rights" in negotiating future arrangements,⁴ they demanded that those be based on Cory's Award of 1920, when Egypt's and the Sudan's "established rights" were to 40 and 2 milliards respectively. The Cory Award would therefore now entitle the Sudan to 23 milliards. The limiting factor in the Sudan was water, not land: an area of 5.5m acres had been found suitable for immediate development, with a water requirement estimated at 35 milliards. In any case, the Sudan Government insisted that the full 84 milliards of available water must be equitably divided before work started on the High Dam: 35 milliards if the area principle obtained, 28 milliards

¹ *The Nile Waters Question: The Case for the Sudan, the Case for Egypt and The Sudan's Reply*, 3. Morrice, the past divisional engineer of the irrigation department's projects division, was present during these negotiations.

² *Ibid.*

³ *Ibid.*

⁴ *Ibid.* 43.

if the population ratio was taken into account, or 23 milliards according to the Cory Award.

The Egyptian delegates held that the High Dam should be the basis of discussion and that evaporation losses from storage there should be discounted before the remaining water was allocated. On this basis, according to Mohammed Amin, the Sudan would get 5.9 milliards only.

Debates in the Sudan Parliament

When he addressed the first session of the Sudanese parliament the prime minister, Isma'il al-Azhari, temporized over the Nile Waters issue, which was especially delicate in light of his party's professed goal of "unity" with Egypt. The Ministries of Agriculture and Irrigation, he said, were studying the entire Nile Basin for the purpose of estimating the area suitable for cultivation.¹ Once these studies were completed the government, in agreement with the Egyptian Government, would coordinate a policy achieving for the Sudan its fair share in the Nile waters.² Abdel Rahman Abdun, a member of Senate and former Under Secretary for Irrigation, flatly refuted the Prime Minister's claim about continuing studies: there were none under way, he said; moreover, comprehensive studies about irrigable areas in the Gezira had already been concluded,³ a reference presumably to a detailed study by Alexander Gibb.⁴

The Prime Minister's assurance that the Sudan's share according to the 1929 Nile Waters Agreement was not yet exhausted⁵ was similarly denounced when Opposition members, especially veterans of the old Legislative Assembly, publicly reminded him that the Sudan was in fact already "borrowing" water from the Egypt.⁶

¹ The First Parliament of the Sudan, House of Representatives, *Daily Proceedings*, 10 March 1954, 9.

² *Ibid.*

³ First Parliament of the Sudan, Senate, Second Session, fifth sitting, 18 March 1954, 74.

⁴ Estimation of Irrigable Areas in the Sudan 1951-1953, Report by Sir Alexander Gibb & Partners, Consulting Engineers, Sudan Government, Feb. 1954, v.

⁵ First Parliament of the Sudan, House of Representatives, *Daily Proceedings*, 16 March 1954, 27.

⁶ First Parliament of the Sudan, House of Representatives, *Daily Proceedings*, 17 March 1954, 29.

When the Egypt failed to respond to the Sudan's negotiating position, and the Sudan Government made no official statement to Parliament about the 1954 negotiations, Abdel Rahman Abdun moved an embarrassing amendment to the routine motion thanking the Government for its annual address. This amendment expressed regret that the water policy adopted by the Government would not lead to the level of agricultural expansion needed to increase the country's standard of living.¹ Lengthy and acrimonious debate ensued in a joint session of the two houses.

In these debates the Opposition tried to depict the NUP Government as subservient to Egypt. The Umma Party's Mohammed Ahmed Mahjoub, who was leader of the Opposition, argued that since the Sudan was not a party to the 1929 Nile Waters Agreement the Sudanese Government should declare its abrogation and start fresh negotiations with Egypt. Abdalla Mirghni, an appointed member of the Senate, went even further, suggesting that the Nile waters issue should be treated as purely national: the Sudan should decide for itself its rightful share and immediately commence work on the Roseires dam.² Mirghani Hamza, the former Minister of Irrigation, seized the opportunity to enlighten members with details of the abortive negotiations.³ Although Abdun's motion was defeated, the debate that followed kept the issue alive, and Khidir Hamad, the new Minister of Irrigation, soon left for Cairo to pave way for the resumption of talks.

The 1955 Negotiations

Talks resumed in Cairo on 6 April 1955.⁴ Salah Salem asked the Sudanese delegation to make a fresh presentation of their case. The Sudanese repeated their position from the 1954 negotiations. The Egyptian side then presented new figures at odds with those on which it had based its previous stance. These put the average annual flow of available water at 80 instead of 84 milliards, and that the loss from

¹ First Parliament of the Sudan, *Daily Proceedings*, 7th Session, 1 March 1955, 115.

² First Parliament of the Sudan, *Daily Digest of Proceedings*, 8th Session, 2 March 1955, 132-133.

³ *Ibid*, 197-201.

⁴ The Minister was accompanied by Bashir Abdel Rahim; Under Secretary for Irrigation, Omer El Awad; Deputy Director of Irrigation, Mahmoud Jadain; Chief Engineer, the Gash Project and Sagayroon El Zein; Inspector, Abdel Magid sub division and Morrice; the Irrigation Advisor. The Egyptian delegation consisted of Kaimakam Samir Hilmi, Dr. Ibrahim Zaki, Dr. Yousef Semeika, Dr. Mohammed Amin, Dr. Mohammed Ahmed Salim and Dr. Tahir Abu el Wafa.

evaporation at the Jebel Aulia Dam (on the White Nile in the Sudan) and at the High Dam would be 20 milliards. They therefore offered the Sudanese only 4 milliards in addition to the 4 milliards previously conceded. The Sudanese delegates considered this offer, which was even less than what had been mooted in earlier discussions, as tantamount to an end of negotiations.

The Sudanese delegation now asked its Egyptian counterpart to give their views on the previous Sudanese proposals of December 1954. They refused moreover to give any estimates of their own on the countries' respective future needs. Instead the Egyptians suggested that each country be granted a tentative share of the assured water benefits proceeding immediately from construction of the Roseires and Aswan dams, without prejudice to the results of any further agreement.¹ The Sudanese delegates rejected this proposal because with Egypt meanwhile increasing her irrigated area as far as she could, new rights would be established, regardless of current assurances.² The outcome was deadlock. The Sudanese Minister of Irrigation now became the subject of attacks in the Egyptian media.

These discussions had serious political results. They contributed to a loss of confidence in the Egyptians within the ruling NUP, which became a factor in the rush to complete independence. The Under-Secretary of Irrigation went so far as to apologize to parliament for the faith he had expressed in Egyptian intentions over the Nile Waters, and for his defense of the government's water policy during previous parliamentary sessions.³ The Minister himself told a press conference on 9 April that the delegation had "proceeded to Egypt in the hope of obtaining ... a fair share of the Nile Waters, and water means life for the Sudan. There we had only the Sudan's interests at heart and if we returned, after negotiations were broken off without avail, it is only because we did not like to condemn our country to death."⁴ This phase of negotiations therefore marked a distinct shift, as both the NUP Government and the Opposition now rallied against Egypt.

¹ *The Nile Waters Question: The Case for the Sudan, the Case for Egypt and The Sudan's Reply*, 52.

² *Ibid.* 53.

³ First Parliament of the Sudan, *Daily Digest* 31, 12 April, 1955.

⁴ Khartoum to Foreign Office enclosing Bulletin 420 issued by the National Guidance Office, Khartoum, 12 April 1955, PRO FO371/113732.

In May 1955 the issue was further complicated by the appearance of a pamphlet by Colonel Engineer Samir Helmy, *Towards the Full Utilization of the Waters of the Nile. Past, Present and Future Policy*, presenting the Egyptian case.¹ The Sudanese responded with one of their own, entitled *The Nile Waters Question: The Case for the Sudan, the Case for Egypt*. In addition to rehearsing the familiar Egyptian case, Helmy asserted that the lands south of (upstream from) Halfa were quite high and would hardly be affected by the high water levels behind the new Aswan Dam.² The Sudanese refuted this claim: since the full height of the High Dam reservoir as now proposed would be about 35 meters above the natural flood level at Semna, the backwater effect would be felt to the tail of the Dal Cataract, some 150 kilometers above Wadi Halfa.³ (This Sudanese view proved sound when, after agreement was finally reached, the inhabitants of Wadi Halfa were evacuated.)

The Sudanese also objected to Samir's contention that the upper Nile works were in the nature of loss-conservation projects; that they added to the total river supply but did little to equalize the vast variable flow of the Main Nile. But, as Samir pointed out, no agreement had been reached with Uganda and the Belgian Congo about the size of the proposed reservoir in Lake Albert, or with Ethiopia about the Tana reservoir. The Equatorial projects involved works would take many years to execute and so could not produce any early benefit.⁴ Though the Sudan Government adopted the view of their irrigation advisors that a sound plan for developing the Nile Valley as a unity would involve virtual storage in the Upper Nile reaches on a considerable scale, they did not press the point.

Isma'il al-Azhari and Salah Salem

Following the deadlock of April 1955, the Egyptian Government raised the Nile waters issue with the Sudanese prime minister when he passed through Cairo on his way back from the Bandung Conference. According to al-Azhari he had long talks with Salah Salem and, after abandoning a claim for division based on population, the Egyptian had suggested a

¹ Col. Samir Helmy was Secretary-General of the High Dam Authority.

² *Ibid.* 48.

³ *Ibid.* 51.

⁴ *The Nile Waters Question: The Case for the Sudan, the Case for Egypt and The Sudan's Reply*, 24.

fifty-fifty division of unallocated waters, but only after deduction of the calculated evaporation at the High Dam. But Al-Azhari said that he could not agree to anything, even in principle, without consulting his experts. He may simply have been stalling: before leaving for Indonesia he had issued his famous declaration that the Sudan was a sovereign state. He was thereafter coolly received by Nasser at Bandung, and in Cairo told him bluntly that “Unity was no longer contemplated by any of the major Sudanese political parties”.¹ As if that were not enough, he declared: “The Nile flows through the Sudan first and we can no longer be content to receive our share last”!² These developments were watched with satisfaction by remaining British officials in Khartoum. They advised the Foreign Office to leave well enough alone, and not to exert pressure on the Sudanese over Nile Waters.

In late July 1955 the Egyptian Government sent a letter signed by Salah Salem to the Sudanese prime minister. In this the Egyptians claimed an established right to 51 milliards of Nile water, which included three milliards in evaporation loss at Jebel Auliya, gave the Sudan the established right to 4 milliards, and allowed 10 milliards for evaporation at the Aswan High Dam. Instead of 84 milliards as the total annual flow of the Nile they now reckoned on 80 milliards, with a margin for safety. Based on these figures 15 milliards remained to be divided on a 50-50 basis. Terms for division of water from newly constructed projects could be agreed upon in the future.³ Salah Salem concluded by expressing Egypt’s desire to continue discussions for the benefit of both Egypt and the Sudan.⁴

The experts, Allan and Morrice, disagreed with the basic Egyptian view that the High Dam project was absolutely sound, or at any rate the best alternative, from the technical point of view. They argued that if the largest assured net supplies of water were to be obtained from the Nile, the plan for over-year storage must be so devised as to make the greatest possible use of projects in the upper parts of the Nile basin, where evaporation losses were not significant, particularly the Equatorial and

¹ *The New York Times*, June 2, 1955, 8.

² *Ibid.*

³ Salah Salem to Ismail El Azhari, 25 July 1955, Sudan Archive Durham (SAD) 591/15/52.

⁴ *Ibid.*

Lake Tana projects. Their views conformed with their attempt to plan for the ultimate hydraulic development of the entire Nile basin. Regarding the sharing of Nile waters, Allan's view was that the most logical approach would be to allot the whole available supply to the two countries in proportion to the amounts which they could each use on the basis of irrigable areas, taking due account also of their respective climates and soils, and existing and prospective cropping. Such an award might approach the following proportions: the Sudan 25%, Egypt 75%.¹ Morrice estimated that the new Egyptian offer as it stood would have the effect of giving the Sudan about 13 milliards a year. This was certainly a marked improvement on their previous offer of 8 milliards, but still fell short of both the original demand for 35 milliards and even the Cory Award of 23 milliards.² The Sudanese position was summarized by engineers in the Ministry: "Acceptance is out of the question, but rejection would be most unwise and would lay the Sudan open to the accusation of deliberately causing a deadlock."³

The Egyptians increased their pressure. On 11 September *Al-Ahram* published an article about planned agricultural schemes in Egypt drawing water from the Nile. At the usual rate of 8,000 cubic meters per gross *feddan* this would establish a right to a further 2 milliards of Nile water. According to Morrice, "This is a serious matter for the Sudan, and, owing to the one sided nature of the Nile Waters Agreement, we have no legal grounds on which to protest."⁴ He therefore suggested a paragraph in the draft reply to Salah Salem's letter to the effect that: "In the opinion of the Sudan Government the calculations should be made as at Jan 1st 1955, and they are not prepared to consider any additional claims based upon areas which may subsequently be brought under cultivation in Egypt."⁵ It was important to reply as soon as possible.⁶

¹ Comments by Mr. W.N. Allan, Irrigation Consultant, on the offer from Egypt dated 25th July 1955, 11 August 1955, SAD 591/5/54-56.

² Comments by Morrice, Irrigation Adviser on the Egyptian Offer of July 25th 1955, 14 August 1955, SAD 591/5/57-59.

³ The Waters of The Nile and the Future of the Sudan, 21 Aug 1955, SAD 591/5/60-67. These engineers were Beshir Abdel Rahim; Parliamentary Under Secretary, Sayed Omer el Awad ; Assistant Director, Administration; Mahmoud Mohammed Gadein; Divisional Engineer; Projects and Saghayroon el Zein; Assistant Divisional Engineer, Abdel Magid.

⁴ Expansion of Irrigation in Egypt, Morrice to Office Manager, Egyptian Ministry of Irrigation and Hydro-Electric Power, 24 Sept. 1955, SAD 591/5/72-73.

⁵ *Ibid.*

⁶ Salah Salem was dismissed as Minister for Sudan Affairs in late August 1955.

Pressures from the Foreign Office

The Foreign Office was juggling many issues in connection with Egypt and the Sudan, only one of which was Nile waters. London urged its representatives in Khartoum to press for an agreement with Egypt. Pressure was also famously exerted in Cairo in connection with the loan under consideration by the United States, Britain, and the World Bank for construction of the High Dam. As the Foreign Office put it, "It is important that we should try to find some means of breaking the deadlock between Egypt and the Sudan over Nile Waters. The Americans have suggested that we should press the Sudanese to accept the Egyptian proposal for a 50/50 division of the Nile Waters to be made available by the Aswan High Dam."¹ Nor could the question be postponed: the World Bank had made it quite clear that they would not give assistance until agreement had been reached between Egypt and the Sudan on the Nile Waters problem.²

Luce, the political advisor to the Governor General, told London that the gap between the Sudan's and Egypt's ideas of what the ultimate shares should be was so wide that it was difficult to see how any agreement on this point could be reached. "I must emphasize again that this is not a question of obstinacy or obstruction on the part of the Sudan; it is a matter which vitally affects the welfare of future generations of Sudanese."³ When the Foreign Office enquired about the effects in the Sudan if the British Government gave financial support to Egypt for construction of the High Dam, Luce responded that this would be disastrous, unless the Sudan had already come to an agreement with Egypt.⁴ Without such agreement, aid for dam construction would be taken as the strongest possible evidence that the British Government have lost interest in the future of the Sudan regardless of the harm done to the Sudanese. Indeed, the Governor-General's office in Khartoum wanted the British Government to put pressure on the World Bank not to lend money to Egypt until a satisfactory agreement was reached between Egypt and the Sudan on the Nile Waters, even though this was already a condition of a

¹ Foreign Office to British Embassy, Cairo, 22 Sept. 1955, PRO FO371/113735.

² The High Dam and the Division of Nile Waters, Note by the Foreign Office, 3 Nov 1955, PRO FO371/113737.

³ Luce, Governor General's Office, Khartoum to Millard, Foreign Office, 24 Feb 1955, PRO FO371/113731.

⁴ *Ibid.*

World Bank offer of 200 million dollars for the project.¹ London urged the Governor-General to approach the Prime Minister, informally, about resumption of negotiations with Egypt.²

The competing interests complicating Britain's position – and the ability Britain would hold in reserve even after Sudanese independence – were clear when, in April 1955, a joint meeting was held of representatives of the Foreign Office and the Colonial Office. It was decided that the Egyptians and the Sudanese would be informed as soon as possible of the East African interest in Nile waters. This amounted to a request to suspend negotiations until the East African governments could produce hard figures for the amount of water they would likely wish to claim.³ Similar points were made in a note presented to the Egyptian and Sudanese governments in November, drawing their notice to the interests of British East African territories in the Nile waters and proposing to negotiate on their behalf.⁴

(In August 1959, when negotiations for a Nile agreement were about to reopen between the Sudan and Egypt, Britain sent a Note to Egypt, Ethiopia, the Sudan and Belgium about the needs of the East African countries. The note pointed out that before the 1929 Agreement the need for water for irrigated agriculture in East Africa had not been appreciated.⁵ “The East African Governments consider that they have an inherent and indisputable right to a share of the ‘natural and basic’ waters of the Nile, by ‘natural and basic’ meaning the natural flow of the river unaffected by control works, just as other Nile Valley states have a share”.⁶ They further claimed an interest in “new water” conserved and made available through the implementation of the Equatorial Nile Project or any other control works carried out in East Africa in the interests of Egypt and the Sudan. But neither Egypt nor the Sudan during the period of the negotiating of the agreement appears to have paid any attention to

¹ Tvedt, *The River Nile in the Age of the British*, 283.

² Foreign Office to Washington, 18 Nov 1955, PRO FO371/113737.

³ Record of a Meeting in the Foreign Office with the Colonial Office, 6 April 1955, PRO FO371/113731.

⁴ Text of a Note Presented by Her Majesty's Government to the Egyptian Government on November 22, 1955, PRO FO371/119062.

⁵ East African Claim for a Share in Nile Waters: Text of A British Note Dated 11th August 1959 Sent to U.A.R., Ethiopia, Sudan, Belgium, SAD 591/9/36.

⁶ *Ibid.*

these representations, nor did the British Government pursue them further.)

The Equatorial Nile Project and the Nile Valley Plan did not prevent the Egyptians and Sudanese from negotiating without the other riparian countries. Did British hints of East African complications in fact hasten an agreement? It is worth mentioning that the development of the Nile Valley as one hydrological unit was an idea encouraged by Morrice, the irrigation advisor to the Sudan Government.¹ Morrice in turn convinced Mirghani Hamza, the Sudanese Minister of Irrigation, to conduct a study of the Nile Valley Plan.² He was so optimistic when he minuted: "If HMG could lend their powerful backing, I believe that a solution to the Nile Waters Question would be in sight."³ But the Sudanese negotiators did not press the issue, although they referred to it in the pamphlet they published about the Nile waters issue. As for the Egyptian Government, it continued to favor a Nile conservation system under its own control.⁴

The fact remained that the High Dam could not be undertaken without the consent of the Sudanese, since it would unavoidably flood the river valley between the Egyptian border and the second cataract. This was the Sudanese trump card. Under international law the Sudan had an unquestionable right to veto the entire High Dam project if, in its view, the Sudan's interests were not properly safeguarded before work began.⁵

The Sudanese Reply and the Egyptian Answer

The Sudanese reply to Salah Salem's letter was sent on 20 November 1955. It conveyed the agreement of the Sudan Government to resume negotiations but maintained its previous views, adding that calculations of water should be made as of January 1st, 1955, beyond which no additional

¹ Morrice delivered a lecture to the Sudan Engineering Society about this. See "A Plan for the Nile Valley", *Sudan Engineering Society Journal*, May 1956.

² Nile Waters: A Note by Morrice, 4 Oct. 1956, PRO FO 371/119064. According to Morrice a meeting was held in the Sudan Embassy, London, on 3 Sept. 1956; the participants in the meeting agreed to his idea of developing the Nile as one hydrological unit.

³ *Ibid.*

⁴ Stevenson to Macmillan, 16 May 1955, PRO FO371/113733.

⁵ *The Nile Waters Question: The Case for the Sudan, the Case for Egypt and The Sudan's Reply*, 4.

claims would be accepted for Egypt's "historic rights". The letter concluded by officially drawing the attention of the Egyptian Government to the fact that the Sudan was making arrangements for the design and construction of the Roseires Dam, to which the Egyptian Government have already agreed in principle.¹

The Egyptian response was aggressive. On 15 December the Minister of Public Works notified Khartoum that Egypt was canceling the offer of 25.7.1955 for a 50/50 division and reserved its right under the 1929 Nile Waters Agreement to prevent construction of the Roseires Dam. (This was a reference to the second clause in that Agreement that restricted the right of the Sudan to establish reservoirs without the approval of the Egyptian Government.)

Bilateral relations over the waters issue had thus reached their worst point since negotiations had begun.² But taking account of other political developments at the time this reply should not have come as a surprise. The Sudanese were united in support for the option of complete independence, which was declared unanimously in parliament on 19 December 1955. Egypt's longtime demand for union had failed.

Post-Independence Negotiations: January 1956-November 1958

The Sudan celebrated its independence on 1 January 1956. In their official statements recognizing the new regime the British and Egyptian co-domini expressed a wish that the Sudanese Government would respect the agreements they had signed on behalf of the Sudan. Khartoum thereupon asked them to specify those treaties and agreements. Egypt did not submit the 1929 Agreement as one of them.³ Both co-domini had long histories of relying upon or denying, as current events might make convenient, in whole or part their agreements.

The NUP Government headed by Ismai'l al-Azhari continued to govern the country until June 1956. It was then replaced by a coalition of the

¹ Minister of Irrigation and Hydro-Electric Power to Minister of Works, Egypt, 20 Nov 1955, SAD 591/6/7-8.

² Morrice to Minister of Irrigation and Hydro-Electric Power, 28 Dec. 1955, SAD 591/6/18.

³ Note of Reply by the Sudan Government to the Egyptian Government, 15 July 1958 in Faisal Taha, *Documents and Materials on the Nile Waters*, Khartoum 1976, 93-94.

Umma Party and the newly founded People's Democratic Party (DUP). The new prime minister, Abdalla Khalil, belonged to the Umma Party; Mirghani Hamza was reinstated at the Ministry of Irrigation. These changes reduced even further the chances for a Nile Waters Agreement. The Umma Party had already charged Egypt with breaking the "Gentlemen's Agreement" of October 1952, by which, inter alia, the Egyptian Government would speed up execution of various Nile projects to make available the water needed for agricultural expansion; the Sudan would enjoy a fair share in the Upper Nile and Fourth Cataract projects and any others that might be established on the Nile; and the Sudan would respect the rights Egypt had acquired in the 1929 Nile Waters Agreement.¹ The "Gentlemen's Agreement" had also committed Egypt to non-interference in the Sudanese elections of 1953, a promise blatantly broken to the Umma's disadvantage. The Umma was therefore as suspicious in government as it had been in opposition.

International developments complicated matters further. The United States refused to participate in financing the High Dam, giving as one reason for its withdrawal on July 19 1956 the lack of agreement of the Nile Basin countries.² Britain likewise had decided that its support of the High Dam should be conditioned on a settlement of the Nile waters question. These decisions were widely seen, however, as an attempt to pull the rug out from under Nasser. Another vexatious issue was the creation of an independent Sudanese currency. Discussions went on for several months, and were hampered by the Egyptian desire to settle the two issues of the currency and Nile waters at the same time. The Sudanese Government maintained that discussions on the Nile waters could resume only after its Ministry of Irrigation prepared the necessary figures.³

With the withdrawal of the American and British offers to help finance the High Dam, that of the World Bank automatically expired. President Nasser in retaliation nationalized the Suez Canal in July 1956. British,

¹ For the full text of this Agreement see Abdel Rahman Ali Taha, *Al-Sudan lil Sudaniyyin*, ed. Fadwa Taha, Khartoum, 161-4. Other provisions dealt with regularizing the use of Egyptian money in the Sudan and representation of the Sudan at international conferences.

² B.K. Bastone, "The Utilization of the Nile Waters", *International and Comparative Law Quarterly*, 8, July 1959, 523.

³ *Al-Sudan Al-Jadid*, 14 June 1956.

French and Israeli forces invaded Egypt in October. The Sudanese government, regardless of the deadlock in Nile Waters negotiations, supported the Egyptian nationalization of the Canal and condemned the British and the French invasion.

Shortly before the Suez invasion the Egyptian Minister of Public Works wrote to the Sudanese Minister of Irrigation rehearsing Egypt's case for the High Dam and pressing for an early statement of the Sudan's position; Egypt's attitude towards the Roseires project remained as stated on 15 December 1955.¹ This letter seems to have been motivated by the visit of Abdallah Khalil, the new Sudanese prime minister, to Cairo in July 1956 and his positive impression of the Egyptian government. In any case, the Sudanese did not reply.

When Mirghani Hamza, the Minister of Irrigation, told Morrice that Nasser had made a verbal offer of 16 milliards, Morrice recommended acceptance only if the offer was increased to 18; if the entire benefit of the Jonglei Canal was reserved for the Sudan; and if satisfactory arrangements were made for compensating the inhabitants of Halfa dispossessed by the Aswan inundation.² Tvedt argues that by so recommending terms that would clearly be unacceptable to Egypt, Morrice aimed to stall bilateral negotiations and win support for the idea of a Nile Valley Authority.³

Meanwhile, the Foreign Office indeed entertained the idea of a conference of Nile Valley states to discuss overall development of the Nile, division of the Nile waters, and subsequent revision of the Nile Waters Agreement of 1929.⁴ But the British Government could hardly call such a conference in the present trough of Anglo-Egyptian relations; the Sudanese, however, were "well-placed to do so, and might be encouraged to do this by the Americans with the bait of financial aid for development".⁵ Invitations should be sent out as soon as possible, since delay might lead the Egyptians to take the initiative in trying to promote some less desirable arrangement, or a shift of politics might lead to an

¹ Nile Waters, Note by Allan summarizing the points made in the letter of the Egyptian Minister of Public Works to the Sudanese Minister for Irrigation, 30 Sept. 1956, SAD 591/6/27.

² Nile Waters, Note by Morrice, 4 Oct. 1956, SAD 591/6/31-33.

³ Tvedt, *The River Nile in the Age of the British*, 316.

⁴ The Nile: Memorandum by the Foreign Office, 23 Nov. 1956, PRO FO 371/11964.

⁵ *Ibid.*

earlier bilateral agreement with the Sudanese. But the idea never gained traction, and fruitless bilateral negotiations took place between mid-December 1957 and 21 January 1958. During these negotiations Nasser's verbal offer of 16 milliards was reduced to 13.¹

Relations between the Sudan and Egypt deteriorated during the early months of 1958. The Egyptian Government moved troops to Halayib, a Sudanese border area claimed by Egypt. (The area had voted as a Sudanese constituency in the elections of 1954). In such an atmosphere it was unlikely that negotiations over the Nile would resume. The NUP, now leading the opposition in Parliament, exploited this turn of events to embarrass the Government. World Bank support for financing projects such as the Roseires Dam depended on agreement over the waters problem between Egypt and the Sudan.²

In July 1958, to obtain water for the Managil extension of the Gezira scheme, the Sudanese Ministry of Irrigation reduced the flow from the Sennar Dam at an earlier date than usual in order to raise the level in the reservoir. Although this action did not affect the flow of water to Egypt, Cairo accused the Sudan of breaching the 1929 Nile Waters Agreement.³ In a familiar gambit, the Sudanese Government declared that it was not a party to that Agreement and not bound by it. To ease tensions Abdalla Khali offered to go to Cairo to reopen negotiations, but the Egyptians demanded that he first formally recognize the 1929 Agreement. This he refused to do.⁴

The Military Coup of 17 November 1958 and the Making of the Nile Waters Agreement

¹ I.H. Abdalla, "The 1959 Nile Waters Agreement in Sudanese-Egyptian Relations", *Middle Eastern Studies*, 7, 3, 1971, 333.

² The Second Parliament of the Sudan, *Weekly Digest of Proceedings in the House of Representatives*, no.6, First Session, Tuesday 20 May 1958, 109.

³ Faisal Taha, *Documents*, 93.

⁴ Robert O. Collins, *The Waters of the Nile: Hydropolitics and the Jonglei Canal, 1900-1988* (Oxford 1990) 265-6.

On 17 November 1958 the Sudanese government was overthrown in a bloodless coup. In a radio address, General Ibrahim Abboud, the new leader, dismissed issues between Egypt and the Sudan as artificial. The military government's hold on power was uncertain, and Abboud needed to settle disputes with Egypt to gain its support and to consolidate his position.¹ Indeed Ta'lat Farid, who would later head the Sudanese delegation in new Nile waters negotiations, claimed that one reason for the coup was the state of relations with Egypt, and especially the Nile waters issue.² In March 1959 Abboud formally requested the reopening of negotiations.

Meanwhile the signing of an aid agreement relating to the High Dam between the Soviet Union and Egypt in December 1958 had given renewed urgency to a Nile waters agreement.³

Behind the scenes contacts had been maintained after the coup between Allan, the former irrigation advisor, and Mohammed al-Rashid Sid Ahmed, the technical secretary of the Sudanese Ministry of Irrigation.⁴ Allan sent him estimates of the water that would be used by the Sudan in 1958-1959 and of the Sudan's requirements from the river during the period of surplus at Sennar and at Aswan.⁵ Allan suggested Heads of Agreement. He maintained that the net available amount should first be determined at Aswan and allotted between the two countries in agreed percentages.⁶ It is worth mentioning that Allan accepted the fact that the Sudan and Egypt were planning to divide the water between them; he did not press the idea of Nile Basin development.

Notes had been exchanged between the Sudan and Egypt about Nile Waters, as well as other subjects,⁷ before a Sudanese delegation of ten, led by Major General Talaat Farid, minister of Information and Culture, and including the Minister of Irrigation, Magboul El-Amin El-Hag,

¹ The regime suppressed a coup attempt in May 1959.

² Tareq Y. Ismael, "The United Arab Republic and the Sudan", *The Middle East Journal*, XXIII, 1969, 25.

³ Bastone, "The Utilization of the Nile Waters", 523.

⁴ M.R. Sid Ahmed to W.N. Allan, 9 June 1959, SAD 591/9/1.

⁵ W.N. Allan to M.R. Sid Ahmed, 10 June 1959, SAD 591/9/3.

⁶ Notes on First Drafts for Heads of Agreement & Working Arrangements for a Coordinate Scheme of Control of Nile Waters, 25.7.1959, SAD 591/9/14.

⁷ W.N. Allan to M.R. Sid Ahmed, 10 June 1959, SAD 591/9/3, referring to an article in the *Times* about resumption of discussions.

arrived in Cairo on 7 October 1959. It is worth noting that a soldier now held that portfolio, even though civilians had been appointed to the ministries of finance and foreign affairs. In any case, the new military regime had clearly decided to settle with Egypt, and on Egyptian terms. The technical advice of seasoned experts had not changed. In a note, the engineers Mahmoud Jadain, Sagayroon El-Zein, and Mohammed El-Rasheed Sid Ahmed, they stated that "Speaking purely as technicians, we cannot regard a share of only 20 milliards as satisfactory for the Sudan. In practice, however, the solution to the vital problem of dividing the Nile fairly between Egypt and the Sudan cannot be based solely on technical considerations. It may be advisable for political reasons to accept a smaller share than would seem reasonable to us on purely technical grounds, but the wisdom of so doing is a matter on which we are not competent to judge".¹

The Settlement

In the negotiations Egypt abandoned earlier claims that the figure for established rights should be increased by 3 milliards to 51 milliards, to include losses resulting from the storage of water in Jebel Aulia reservoir. In the agreement that was now finally reached, Egypt increased her share to 55.5 m³ and the Sudan received 18.5. The established rights of both were fixed at 48 and 4 milliards respectively. The remaining 22 m³ was divided, with 14.5 for the Sudan and 7.5 for Egypt. The Egyptians considered this a concession, given her demands in previous negotiations. The major concession from the Sudanese point of view was abandonment of the principle of counting the Sudan's share before losses caused by the High Dam. While Sudanese critics of the Agreement did not approve the share of 18.5, Allan noted that 18.5 out of 74 was exactly 25%, the proportion he had suggested years earlier and had expected that a neutral arbitrator would award.²

¹ The Waters of The Nile and the Future of the Sudan, 21 Aug. 1955, SAD 591/5/60-67, Note by Beshir Abdel Rahim; Parliamentary Under Secretary, Sayed Omer el Awad; Assistant Director, Administration, Mahmoud Mohammed Gadein; Divisional Engineer, Projects, Saghayroon el Zein; Assistant Divisional Engineer, Abdel Magid.

² Allan to Craig, Foreign Office, 19 Nov 1958, SAD 591/9/59.

The 1959 Agreement stipulated that any excess water would be equally shared, and that costs of works would also be shared. While appearing to be no more than a temporizing measure, this form of words did in fact breach the old "Gentlemen's Agreement" about the costs of new dams. That held that the Sudan's liability should not be proportionate with its share of any "new" water, in light of the fact that Egypt had benefited disproportionately in the past from Nile projects that were less expensive than new ones were likely to be.

Compensation for the flooding of Sudanese territory behind the High Dam was fixed at 15 million Egyptian pounds, half of the initial request of previous Sudanese negotiators. This proved to be derisively inadequate. Inflation and the high costs of resettlement were not taken into account. Before the coup, the Ministry of Irrigation had estimated the amount needed at 30 million Egyptian pounds.¹ That the Sudan had to depend on its own funds to complete the resettlement of Sudanese made homeless by Egypt's High Dam at Aswan indicated the military regime's haste in coming to terms.

Conclusion

The Sudanese adopted an uncompromising stand throughout the period of abortive negotiations before and after independence. These they entered with determination to place their own national interests above those of Egypt and Britain, despite pressure from both and the allure of the British Nile policy. They insisted on a division of Nile waters according to the Cory Award, long regarded by the Egyptians as a tool of British imperialism and thus both a symbolic and practical impediment to settlement. Sudanese recognition of the historic rights of Egypt was, in

¹ Nile Waters, Note by Morrice, 4. Oct 1956, SAD 591/6/31-33. This meeting was held on 25 June 1956 and was attended by representatives of various ministries and departments: Irrigation, Interior, Sudan Railways, Works, and Customs. Edward Gruner, a well-known Swiss consulting engineer visited the Sudan before the coup and was consulted about the Sudanese claim for compensation from Egypt if the High Dam was built. He recommended that the Sudan Government should establish as soon as possible a claim for compensation for property lost through flooding, loss of potential energy, right of using Sudanese soil for part of the proposed reservoir, interruption of land communication between Sudan and Egypt, geological losses, archaeological losses, and any other inconveniences that might become apparent after the reservoir was in service. He emphasized that compensation should always be paid in kind and not in money, thus preserving the material value of the commodity involved.

the other hand, a tacit recognition of the 1929 Nile waters Agreement. No unilateral official abrogation of that Agreement was made during the period of abortive negotiations.

That the 1959 Nile Waters Agreement resulted from haste is a view expressed in many memoirs from the generation of the Sudanese nationalist movement.¹ The fact that the government that negotiated and signed the agreement was a military one should be taken into account when analyzing the negotiations themselves and the general Sudanese attitude to the resulting Agreement. Sudanese political parties had been banned, and the press was not free to reflect public opinion.

In the wider context of the Nile basin, the 1959 Agreement has been the source of much conflict between the Nile Basin countries. Its preamble, referring to full use and full control of the Nile by the Sudan and Egypt, has provoked understandable – and increasing - opposition from the other riparian states. In this, Egypt's proprietary attitude was shared ironically by the Sudan.

Once the 1959 Nile Waters Agreement was signed it became the law of the land in the Sudan. No attempt was made by subsequent parliamentary governments either to repeal or to ratify it. Completion of work on the Roseires Dam took priority, and as the scarcity of water in other riparian states grew worse, it was in the Sudan's interest to maintain the status quo. What in 1959 seemed to many as concession to Egypt of the Sudan's long-term interests has come increasingly to appear as a common front of the two down-stream Nile countries.

¹ Both Independents and Unionists agreed that the Agreement was concluded in haste and it was not fair. According to Amin Eltom, a founding member of the Umma Party, "Mohammed Talat Farid has no time to read carefully reports, papers, scientific, technical and economic studies concerned with the Nile Waters Issues" A similar view was maintained by Abdel Magid Abu Hasabo, a veteran unionist and Khidir Hamad, the former Minister of Irrigation in their memoirs.

